under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(Pub. L. 109-449, §8, Dec. 22, 2006, 120 Stat. 3339.)

References in Text

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 109-449, Dec. 22, 2006, 120 Stat. 3333, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1951 of this title and Tables.

The Outer Continental Shelf Lands Act, referred to in text, is act Aug. 7, 1953, ch. 345, 67 Stat. 462, which is classified generally to subchapter III (§1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of Title 43 and Tables.

§ 1958. Authorization of appropriations

There are authorized to be appropriated for each fiscal year 2006 through 2010—

- (1) to the Administrator for carrying out sections 1952 and 1955 of this title, \$10,000,000, of which no more than 10 percent may be for administrative costs; and
- (2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out section 1953 of this title, \$2,000,000, of which no more than 10 percent may be used for administrative costs.

(Pub. L. 109-449, § 9, Dec. 22, 2006, 120 Stat. 3339.)

CHAPTER 34—INLAND NAVIGATIONAL RULES

SUBCHAPTER I—RULES

2001 to 2038. Repealed.

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

2071. Inland navigation rules.

2072. Violations of Inland Navigational Rules.2073. Navigation Safety Advisory Council.

SUBCHAPTER I—RULES

§§ 2001 to 2038. Repealed. Pub. L. 108–293, title III, § 303(a), (c), Aug. 9, 2004, 118 Stat. 1042

Section 2001, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3415; Pub. L. 102–241, §21(1), Dec. 19, 1991, 105 Stat. 2217; Pub. L. 102–587, title V, §5206[(1)], Nov. 4, 1992, 106 Stat. 5074, related to Rule 1, application of rules for navigation of inland waters of the United States and Canadian waters of the Great Lakes.

Section 2002, Pub. L. 96–591, $\S2$, Dec. 24, 1980, 94 Stat. 3416, related to Rule 2, responsibility for compliance and departure from rules to avoid immediate danger.

Section 2003, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3416; Pub. L. 100–448, §14(1), Sept. 28, 1988, 102 Stat. 1844, related to Rule 3, definitions.

Section 2004, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3417, related to Rule 4, application of steering and sailing rules in any condition of visibility.

Section 2005, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3418, related to Rule 5, proper look-out.

Section 2006, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3418, related to Rule 6, safe speed.

Section 2007, Pub. L. 96–591, § 2, Dec. 24, 1980, 94 Stat. 3418, related to Rule 7, risk of collision.

Section 2008, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3419; Pub. L. 102-241, §21(2), Dec. 19, 1991, 105 Stat. 2217, related to Rule 8, action to avoid collision.

Section 2009, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3419; Pub. L. 104–324, title VII, §701(1), Oct. 19, 1996, 110 Stat. 3932, related to Rule 9, narrow channels.

Section 2010, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3420; Pub. L. 102–587, title V, §5206(2), Nov. 4, 1992, 106 Stat. 5074, related to Rule 10, traffic separation schemes.

Section 2011, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3420, related to Rule 11, application of rules of conduct of vessels in sight of one another.

Section 2012, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3420, related to Rule 12, sailing vessels in sight of one another.

Section 2013, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3420, related to Rule 13, overtaking vessels in sight of one another.

Section 2014, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3421; Pub. L. 98–557, §16(c), Oct. 30, 1984, 98 Stat. 2867, related to Rule 14, head-on situations for vessels in sight of one another.

Section 2015, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3421; Pub. L. 104-324, title VII, §701(2), Oct. 19, 1996, 110 Stat. 3932, related to Rule 15, crossing situations for vessels in sight of one another.

Section 2016, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3421, related to Rule 16, action by give-way vessels in sight of one another.

Section 2017, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3421, related to Rule 17, action by stand-on vessels in sight of one another.

Section 2018, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3422, related to Rule 18, responsibilities between vessels in sight of one another.

Section 2019, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3422, related to Rule 19, conduct of vessels not in sight of one another in restricted visibility.

Section 2020, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3423, related to Rule 20, application of rules concerning lights and shapes.

Section 2021, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3423, related to Rule 21, definitions of lights and shapes. Section 2022, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3424, related to Rule 22, visibility of lights.

Section 2023, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3424; Pub. L. 104-324, title VII, §701(3), Oct. 19, 1996, 110 Stat. 3932, related to Rule 23, lights of power-driven vessels underway.

Section 2024, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3425; Pub. L. 98–557, §16(b)(1), Oct. 30, 1984, 98 Stat. 2866; Pub. L. 104–324, title VII, §701(4), Oct. 19, 1996, 110 Stat. 3932, related to Rule 24, lights and shapes of vessels towing or pushing another vessel.

Section 2025, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3426, related to Rule 25, lights and shapes of sailing vessels underway and vessels under oars.

Section 2026, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3427; Pub. L. 104-324, title VII, §701(5), Oct. 19, 1996, 110 Stat. 3933, related to Rule 26, lights and shapes of fishing vessels.

Section 2027, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3427; Pub. L. 100-448, §14(2), (3), Sept. 28, 1988, 102 Stat. 1844, related to Rule 27, lights and shapes of vessels not under command or restricted in their ability to maneuver

Section 2028 was reserved for Rule 28.

Section 2029, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3428, related to Rule 29, lights and shapes of pilot vessels.

Section 2030, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3429, related to Rule 30, lights and shapes of anchored vessels and vessels aground.

Section 2031, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3429, related to Rule 31, lights and shapes of seaplanes. Section 2032, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3429, related to Rule 32, definitions of sound signals.

Section 2033, Pub. L. 96–591, §2, Dec. 24, 1980, 94 Stat. 3430, related to Rule 33, equipment for sound signals.

Section 2034, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3430; Pub. L. 104-324, title VII, §701(6), Oct. 19, 1996, 110 Stat. 3933, related to Rule 34, maneuvering and warning signals.

Section 2035, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3431, related to Rule 35, sound signals in restricted visibility.

Section 2036, Pub. L. 96–591, $\S 2$, Dec. 24, 1980, 94 Stat. 3432, related to Rule 36, signals to attract attention.

Section 2037, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3432, related to Rule 37, distress signals.

Section 2038, Pub. L. 96-591, §2, Dec. 24, 1980, 94 Stat. 3432, related to Rule 38, exemptions.

EFFECTIVE DATE OF REPEAL

Pub. L. 108–293, title III, §303(a), (c), Aug. 9, 2004, 118 Stat. 1042, provided that the repeal of this subchapter by section 303(a) is effective on the effective date of final regulations prescribed by the Secretary of the Department in which the Coast Guard is operating under section 2071 of this title. Repeal effective May 17, 2010, and Inland Navigation Rules moved to 33 CFR part 83. See 75 F.R. 19544, Apr. 15, 2010.

SHORT TITLE

Section 1 of Pub. L. 96-591 provided: "That this Act [enacting this chapter, amending sections 151, 1604, 1605, and 1608 of this title, repealing sections 154 to 159, 171 to 183, 191, 192, 201 to 213, 221, 222, 231, 232, 241 to 244, 251 to 262, 271, 272, 281 to 295, 301 to 303, 311 to 323, 331, 341 to 356, 360, and 360a of this title and sections 526b, 526c, and 526d of former Title 46, Shipping, and enacting provisions set out as notes under this section] may be cited as the 'Inland Navigational Rules Act of 1980'."

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

§ 2071. Inland navigation rules

The Secretary of the Department in which the Coast Guard is operating may issue inland navigation regulations applicable to all vessels upon the inland waters of the United States and technical annexes that are as consistent as possible with the respective annexes to the International Regulations.

(Pub. L. 96-591, §3, Dec. 24, 1980, 94 Stat. 3433; Pub. L. 108-293, title III, §303(b), Aug. 9, 2004, 118 Stat. 1042.)

References in Text

The International Regulations, referred to in text, came into effect pursuant to the Convention on the International Regulations for Preventing Collisions at Sea, 1972. See International Regulations for Preventing Collisions at Sea, 1972 note under section 1602 of this title.

AMENDMENTS

2004—Pub. L. 108–293 amended section catchline and text generally. Prior to amendment, text read as follows: "The Secretary may issue regulations necessary to implement and interpret this chapter. The Secretary shall establish the following technical annexes to these Rules: Annex I, Positioning and Technical Details of Lights and Shapes; Annex II, Additional Signals for Fishing Vessels Fishing in Close Proximity; Annex III, Technical Details of Sound Appliances; and Annex IV, Distress Signals. These annexes shall be as consistent as possible with the respective annexes to the International Regulations. The Secretary may establish other technical annexes, including local pilot rules."

$\S\,2072.$ Violations of Inland Navigational Rules

(a) Liability of operator for civil penalty

Whoever operates a vessel in violation of this chapter, or of any regulation issued thereunder, or in violation of a certificate of alternative compliance issued under Rule 1 is liable to a civil penalty of not more than \$5,000 for each violation.

(b) Liability of vessel for civil penalty; seizure of

Every vessel subject to this chapter, other than a public vessel being used for noncommercial purposes, that is operated in violation of this chapter, or of any regulation issued thereunder, or in violation of a certificate of alternative compliance issued under Rule 1 is liable to a civil penalty of not more than \$5,000 for each violation, for which penalty the vessel may be seized and proceeded against in the district court of the United States of any district within which the vessel may be found.

(c) Assessment of civil penalty by Secretary; collection

The Secretary may assess any civil penalty authorized by this section. No such penalty may be assessed until the person charged, or the owner of the vessel charged, as appropriate, shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit, mitigate, or compromise any penalty assessed. Upon the failure of the person charged, or the owner of the vessel charged, to pay an assessed penalty, as it may have been mitigated or compromised, the Secretary may request the Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty as assessed, without regard to the amount involved, together with such other relief as may be appropriate.

(d) Withholding of clearance

- (1) If any owner, operator, or individual in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 60105 of title 46.
- (2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

(Pub. L. 96-591, §4, Dec. 24, 1980, 94 Stat. 3433; Pub. L. 104-324, title III, §312(c), Oct. 19, 1996, 110 Stat. 3920.)

REFERENCES IN TEXT

Rule 1, referred to in pars. (a) and (b), was classified to section 2001 of this title, prior to repeal by Pub. L. 108–293, title III, §303(a), (c), Aug. 9, 2004, 118 Stat. 1042, effective May 17, 2010.

CODIFICATION

In subsec. (d)(1), "section 60105 of title 46" substituted for "section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91)" on authority of Pub. L. 109–304, §18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 60105 of Title 46, Shipping.

AMENDMENTS

1996—Par. (d). Pub. L. 104–324 inserted heading and amended text generally. Prior to amendment, text read as follows: "The Secretary of the Treasury shall withhold or revoke, at the request of the Secretary, the clearance, required by section 91 of title 46, Appendix, of any vessel, the owner or operator of which is subject to any of the penalties in this section. Clearance may

be granted in such cases upon the filing of a bond or other surety satisfactory to the Secretary.

EFFECTIVE DATE

Section effective 12 months after Dec. 24, 1981, see section 7 of Pub. L. 96-591, set out as an Effective Date of 1980 Amendment note under section 1604 of this title.

§ 2073. Navigation Safety Advisory Council

(a) Establishment of Council

(1) In general

The Secretary of the department in which the Coast Guard is operating shall establish a Navigation Safety Advisory Council (hereinafter referred to as the "Council"), consisting of not more than 21 members. All members shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, port safety, or commercial diving safety. Upon appointment, all non-Federal members shall be designated as representative members to represent the viewpoints and interests of one of the following groups or organizations:

- (A) Commercial vessel owners or operators.
 - (B) Professional mariners.
 - (C) Recreational boaters.
 - (D) The recreational boating industry.
- (E) State agencies responsible for vessel or port safety.
 - (F) The Maritime Law Association.

Additional persons may be appointed to panels of the Council to assist the Council in performance of its functions.

(3) Nominations

The Secretary, through the Coast Guard Commandant, shall not less often than once a year publish a notice in the Federal Register soliciting nominations for membership on the Council.

(b) Functions

The Council shall advise, consult with, and make recommendations to the Secretary, through the Coast Guard Commandant, on matters relating to maritime collisions, rammings, groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice and recommendations made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Coast Guard Commandant, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public

(c) Executive secretary; staff; travel expenses and status of members

The Secretary shall furnish to the Council an executive secretary and such secretarial, clerical, and other services as are deemed necessary for the conduct of its business. Members of the Council, while away from their home or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5. Payments under this section shall not render members of the Council officers or employees of the United States for any purpose.

(d) Termination of Council

Unless extended by subsequent Act of Congress, the Council shall terminate on September 30, 2020.

(Pub. L. 96-591, §5, Dec. 24, 1980, 94 Stat. 3434; Pub. L. 97-322, title I, §118(c), Oct. 15, 1982, 96 Stat. 1586; Pub. L. 98–557, \$16(b)(2), Oct. 30, 1984, 98 Stat. 2866; Pub. L. 101-225, title I, §105(a)(1), Dec. 12, 1989, 103 Stat. 1909; Pub. L. 104-324, title III, §304(a), (g), Oct. 19, 1996, 110 Stat. 3917, 3918; Pub. L. 107-295, title III, §334, Nov. 25, 2002, 116 Stat. 2105; Pub. L. 108-293, title IV, §418(e), Aug. 9, 2004, 118 Stat. 1049; Pub. L. 111-281, title VI, §621(f), Oct. 15, 2010, 124 Stat. 2977.)

AMENDMENTS

2010—Subsecs. (a), (b). Pub. L. 111-281, §621(f)(1), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which established, and defined the functions and purpose of, the Navigation Safety Advisory Coun-

Subsec. (d). Pub. L. 111-281, §621(f)(2), substituted "September 30, 2020" for "September 30, 2010"

2004—Subsec. (d). Pub. L. 108–293 substituted "September 30, 2010" for "September 30, 2005".
2002—Subsec. (d). Pub. L. 107–295 substituted "Sep-

tember 30, 2005" for "September 30, 2000".

1996—Pub. L. 104—324, §304(g), which directed the general amendment of the "section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073)", was executed by inserting section catchline, to reflect the probable intent of Congress.

Par. (d). Pub. L. 104-324, §304(a), substituted "Septem-

ber 30, 2000'' for "September 30, 1995''.
1989—Par. (a). Pub. L. 101–225, §105(a)(1)(A), substituted "Navigation Safety Advisory Council" for "Rules of the Road Advisory Council"

Par. (b). Pub. L. 101-225, \$105(a)(1)(B), amended par. (b) generally. Prior to amendment, par. (b) read as follows: "The Council shall advise, consult with, and make recommendations to the Secretary on matters relating to any major proposals for changes to the Inland Rules. The Council may recommend changes to the Inland Rules and International Regulations to the Secretary. Any advice or recommendation made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Secretary, but in any event not less than once during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection. The Council is authorized to make available to Congress any information, advice, and recommendations which the Council is authorized to give to the Secretary."

Par. (d). Pub. L. 101–225, \$105(a)(1)(C), substituted "September 30, 1995" for "September 30, 1990".

1984—Par. (c). Pub. L. 98-557, §16(b)(2)(A), struck out provisions authorizing members who are not officers or employees of the United States to receive compensation at a rate not exceeding the daily equivalent of the current rate of basic pay for GS-18 of the General Schedule under section 5332 of title 5.

Par. (d). Pub. L. 98-557, \$16(b)(2)(B), substituted "on September 30, 1990" for "5 years from the date of enactment of this Act'

1982—Par. (a). Pub. L. 97-322, §118(c)(1), directed Secretary, not less often than once a year, to publish notice in Federal Register for solicitation of nominations for membership on Council.

Par. (b). Pub. L. 97-322, §118(c)(2), authorized Council to make available to Congress any information, advice, and recommendations which Council is authorized to give to Secretary.

Par. (c). Pub. L. 97–322, §118(c)(3), struck out "or while otherwise engaged in the business of the Council" after "meetings of the Council", and ", including traveltime" after "section 5332 of title 5".

REFERENCES IN OTHER LAWS

Section 105(a)(2) of Pub. L. 101-225 provided that: "Each reference to the Rules of the Road Advisory Council in a law, regulation, order, document, record, or paper of the United States is deemed to be a reference to the Navigation Safety Advisory Council."

CHAPTER 35—ARTIFICIAL REEFS

Sec.	
2101.	Congressional statement of findings and pur-
	pose.
2102.	Establishment of standards.
2103.	National artificial reef plan.
2104.	Permits for construction and management of
	artificial reefs.
2105.	Definitions.
2106.	Savings clauses.

§ 2101. Congressional statement of findings and purpose

(a) The Congress finds that—

(1) although fishery products provide an important source of protein and industrial products for United States consumption, United States fishery production annually falls far short of satisfying United States demand;

(2) overfishing and the degradation of vital fishery resource habitats have caused a reduction in the abundance and diversity of United States fishery resources;

(3) escalated energy costs have had a negative effect on the economics of United States commercial and recreational fisheries;

(4) commercial and recreational fisheries are a prominent factor in United States coastal economies and the direct and indirect returns to the United States economy from commercial and recreational fishing expenditures are threefold; and

(5) properly designed, constructed, and located artificial reefs in waters covered under this chapter can enhance the habitat and diversity of fishery resources; enhance United States recreational and commercial fishing opportunities; increase the production of fishery products in the United States; increase the energy efficiency of recreational and commercial fisheries; and contribute to the United States and coastal economies.

(b) The purpose of this chapter is to promote and facilitate responsible and effective efforts to establish artificial reefs in waters covered under this chapter.

(Pub. L. 98-623, title II, §202, Nov. 8, 1984, 98 Stat. 3394)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this title", meaning title II of Pub. L. 98-623, which in addition to enacting this chapter also enacted section 1220d of Title 16, Conservation, and amended sections 1220, 1220a, 1220b, and 1220c of Title 16.

SHORT TITLE

Section 201 of title II of Pub. L. 98–623 provided that: "This title [enacting this chapter and section 1220d of

Title 16, Conservation, and amending sections 1220 to 1220c of Title 16] may be cited as the 'National Fishing Enhancement Act of 1984'."

§ 2102. Establishment of standards

Based on the best scientific information available, artificial reefs in waters covered under this chapter shall be sited and constructed, and subsequently monitored and managed in a manner which will—

- (1) enhance fishery resources to the maximum extent practicable;
- (2) facilitate access and utilization by United States recreational and commercial fishermen;
- (3) minimize conflicts among competing uses of waters covered under this chapter and the resources in such waters:
- (4) minimize environmental risks and risks to personal health and property; and
- (5) be consistent with generally accepted principles of international law and shall not create any unreasonable obstruction to navigation.

(Pub. L. 98-623, title II, § 203, Nov. 8, 1984, 98 Stat. 3395.)

§ 2103. National artificial reef plan

Not later than one year after November 8, 1984, the Secretary of Commerce, in consultation with the Secretary of the Interior, the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Secretary of the Department in which the Coast Guard is operating, the Regional Fishery Managment 1 Councils, interested States, Interstate Fishery Commissions, and representatives of the private sector, shall develop and publish a long-term plan which will meet the purpose of this chapter and be consistent with the standards established under section 2102 of this chapter. The plan must include—

- (1) geographic, hydrographic, geologic, biological, ecological, social, economic, and other criteria for siting artificial reefs;
- (2) design, material, and other criteria for constructing artificial reefs;
- (3) mechanisms and methodologies for monitoring the compliance of artificial reefs with the requirements of permits issued under section 2104 of this title;
- (4) mechanisms and methodologies for managing the use of artificial reefs:
- (5) a synopsis of existing information on artificial reefs and needs for further research on artificial reef technology and management strategies; and
- (6) an evaluation of alternatives for facilitating the transfer of artificial reef construction materials to persons holding permits issued pursuant to section 2104 of this title, including, but not limited to, credits for environmental mitigation and modified tax obligations.

(Pub. L. 98-623, title II, §204, Nov. 8, 1984, 98 Stat. 3395.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities

¹ So in original. Probably should be "Management".